United Nations ST/AI/2011/5

Secretariat

2 June 2011

Administrative instruction

Dependency status and dependency benefits

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/2009/4, and for the purpose of implementing staff regulations 3.3 (b) (i) and 3.4 and staff rule 3.6, hereby promulgates the following:

Section 1
General provisions

Dependency status

1.1 Dependency status shall be recognized in accordance with the provisions of staff rule 3.6 which define dependency for the purposes of the Staff Regulations and the Staff Rules, and in accordance with the provisions of the present instruction.

1.2 Dependency status may be recognized in respect of:

(a) A dependent spouse as defined in section 2.1;

(b) A dependent child or children, as defined in sections 3.1 and 3.2, and in section 4.1 for a child with a disability;

(c) A secondary dependant, as defined in section 5.1.

Dependency benefits

1.3 The present instruction also defines the conditions under which "dependency benefits" may be paid in respect of recognized dependants. For the purposes of the present instruction, "dependency benefits" shall include:

(a) Dependency allowances under staff regulation 3.4 and staff rule 3.6;

(b) Payment at the dependency rate of salary and post adjustment under staff regulation 3.3 (b) (i) and staff rule 3.2 (c).

Eligibility for dependency benefits

1.4 Staff members serving under the United Nations Staff Rules are eligible for dependency benefits, subject to conditions as detailed below.

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Entitlement to dependency benefits

1.5 Eligible staff members shall be entitled to receive dependency benefits for those dependants whose dependency status has been recognized, provided the conditions of the present instruction are met.

1.6 When a staff member is married to, or has a child or children with, another staff member or a staff member of another organization of the United Nations common system, only one may claim dependency benefits for dependent children emanating from that relationship. The recipient of dependency benefits shall be the spouse having the higher salary level, unless the contract type is temporary. Either or both spouses may claim for a secondary dependant.

1.7 When a staff member is divorced or legally separated from another staff member, the determination of who will receive the dependency benefit for the child(ren) will be based on which of the staff members has legal custody of the child(ren).

Submissions of claims

1.8 Claims for dependency benefits shall be submitted in writing and supported by evidence satisfactory to the Secretary-General. Subsequently, a separate claim for dependency benefits shall be made in accordance with the procedures set out in the information circular entitled "Review of claims for dependency benefits" issued periodically by the Assistant Secretary-General for Human Resources Management, as may be adjusted locally at duty stations outside New York.

Obligation to report changes

1.9 Staff members shall notify the Secretary-General in writing of any changes in their marital status or the status of their dependants, including the marital status of their dependants, by immediately advising the Office of Human Resources Management or their local personnel offices to that effect.

Section 2
Dependent spouse

Dependency status of a spouse

2.1 A spouse shall be recognized as a dependant when the following conditions are met:

(a) For staff members in the General Service and related categories and National Professional Officers, the spouse's annual gross occupational earnings, if any, do not exceed the lowest entry level of the United Nations General Service gross salary scale in force on 1 January of the year concerned for the closest United Nations duty station in the country of the spouse's place of work;

(b) For staff members in the Professional and higher categories and staff members in the Field Service category, the spouse's annual gross occupational earnings, if any, do not exceed the higher of:

(i) The amount determined under section 2.1 (a); or

(ii) The gross salary for the lowest entry level in force on 1 January of the year concerned at the base of the salary system (G-2, step 1, for New York);

(c) The spouse of a staff member who is legally separated may be recognized as a dependant only upon submission of satisfactory evidence of financial support by the staff member.

2.2 Pension income, such as retirement and disability benefits, and income resulting solely from investments shall not be included in the computation of the annual gross occupational earnings under section 2.1.

Dependent spouse benefit for staff in the Professional and higher categories and in the Field Service category

2.3 Staff members in the Professional and higher categories and in the Field Service category shall be paid salary and post adjustment at the dependency rate with respect to a dependent spouse.

2.4 When a staff member is married to another staff member, or to a staff member of another organization of the United Nations common system and both husband and wife are in the Professional and higher categories or in the Field Service category, each shall be paid salary and post adjustment at the single rate unless there is a dependent child, in which case the provisions of section 3.6 below shall apply.

Dependent spouse allowance for staff in the General Service and related categories and National Professional Officers

2.5 Eligible staff members in the General Service and related categories and National Professional Officers shall receive a dependency allowance with respect to a dependent spouse when local conditions and/or the practices of comparator employers call for the establishment of such an allowance. The amount of the allowance, if any, shall be provided in the local salary scale applicable at the duty station.

Adjusted dependency benefit with respect to a spouse

2.6 When the spouse's annual gross occupational earnings are less than the sum of the earnings limit set out in section 2.1, plus the amount of the dependency benefit that would have been paid if the spouse's gross occupational earnings had been under the limit set out in section 2.1, an adjusted dependency benefit for a spouse may be paid to:

(a) Staff members in the Professional and higher categories and in the Field Service category who have no dependent children; and

(b) Staff members in the General Service and related categories and National Professional Officers, with or without dependent children.

2.7 The adjusted benefit shall be equal to the amount by which the sum of the earnings limit plus the appropriate dependency benefit exceeds the spouse's gross occupational earnings.

Section 3
Dependent child or children

Dependency status of a child or children

3.1 In accordance with staff rule 3.6 (b), a natural child, a legally adopted child, or a stepchild, provided the stepchild resides with the staff member, shall be recognized as a dependent child when the following conditions are met:

(a) The child is under 18 years of age or, if in full-time attendance at school, university or a similar educational institution, under 21 years of age; and

(b) The staff member establishes that he or she provides main and continuing support to the child. This shall normally be done by the staff member's submitting a certification to that effect. Such certification must be supported by documentary evidence satisfactory to the Secretary-General, if a child:

(i) Does not reside with the staff member;

(ii) Is married; or

(iii) Is recognized as a dependant under the special conditions defined in section 3.2.

3.2 Other children who fulfil the age, school attendance and support requirements specified in section 3.1 may be recognized as dependent children under staff rule 3.6 (b) when all the following requirements are met:

(a) Legal adoption is not possible because there is no statutory provision for adoption or any prescribed court procedure for formal recognition of customary or de facto adoption in the staff member's home country or country of permanent residence;

(b) The child resides with the staff member;

(c) The staff member can be regarded as having established a parental relationship with the child;

(d) The child is not a brother or sister of the staff member; and

(e) The number of children for which dependency benefits are claimed under the present subsection does not exceed three.

3.3 For the purposes of section 3 of the present instruction, the residency requirement shall be deemed fulfilled when a dependent child attends a boarding school or another educational institution under similar arrangement.

Dependent child benefit for staff in the Professional and higher categories and the Field Service category

3.4 Staff members in the Professional and higher categories and in the Field Service category who are paid salary and post adjustment at the dependency rate on account of a dependent spouse shall receive a dependency allowance for each dependent child.

3.5 If such staff members are not paid at the dependency rate on account of a dependent spouse, they shall be paid at the dependency rate with respect to the first

dependent child and receive a dependency allowance with respect to every additional dependent child.

3.6 When a staff member is married to another staff member or to a staff member of another organization of the United Nations common system and both are in the Professional and higher categories or in the Field Service category, only one may receive dependency benefits in the form of payment of salary and post adjustment at the dependency rate, which shall apply to the spouse having the higher salary level. The other spouse shall be paid at the single rate.

Dependent child allowance for staff in the General Service and related categories and National Professional Officers

3.7 Eligible staff members in the General Service and related categories and National Professional Officers shall receive a dependency allowance in an amount and under terms based on local conditions and/or the practices of comparator employers, taking into account the floor formula established by the General Assembly. The amount and conditions of the allowance, which may limit payment to a maximum number of six children, shall be provided in the local salary scale applicable at the duty station.

Government grants for children

3.8 If a staff member, his or her spouse, or any other person with whom a child resides, receives a dependency benefit in form of a government grant in respect of that child, the staff member shall report the total amount of the grant received in respect of that child, the country from which the grant was received and the currency of the grant (if other than United States dollars). The amount of the benefit received shall be subtracted from any dependency benefit payable by the United Nations on account of the dependent child or children. Receipt of a government grant affects the amount of the dependency benefit only, not the dependency status of a child for other purposes under the Staff Regulations and Staff Rules.

Section 4
Special provisions

Dependency status of a child with a disability

4.1 A child who is certified by the Medical Director or designated medical officer as physically or mentally incapacitated for substantial gainful employment, either permanently or for a period expected to be of long duration, shall be recognized as a dependent child, regardless of the conditions of school attendance otherwise required under section 3.1 (a), and may continue to be recognized as a dependant after reaching age 18 or 21, provided it is established in accordance with section 3.1 (b) that the staff member provides main and continuing support for the child.

4.2 In order for the United Nations Joint Staff Pension Fund to determine the eligibility of a child to receive a child disability benefit under article 36 of the Fund's Regulations, a staff member who is entitled to receive benefits from the Fund upon separation from service is required to ensure that the certification of the child as disabled under section 4.1 above is reported to the Fund in writing by the Office of Human Resources Management or the local personnel office.

Child benefit for staff in the Professional and higher categories and the Field Service category with respect to a child with a disability

4.3 Staff members in the Professional and higher categories or in the Field Service category shall receive for a dependent child with a disability:

(a) Double the amount of the regular dependency allowance, if they are entitled to receive dependency allowance with respect to that child; or

(b) An additional payment in the amount of the regular dependency allowance, if they are paid salary and post adjustment at the dependency rate on account of that child.

Child benefit for staff in the General Service and related categories with respect to a child with a disability

4.4 Staff members in the General Service and related categories shall receive for a dependent child with a disability a dependency allowance at double the rate of the regular child allowance payable at the duty station where the staff member is serving.

4.5 However, at duty stations where a higher rate of dependency allowance is payable to a staff member in respect of the first dependent child, and the first dependent child has a disability, the staff member shall receive for that child:

(a) The higher amount of dependency allowance payable for the first child; and

(b) An amount equivalent to the child allowance payable in respect of children other than the first dependent child.

Section 5
Secondary dependants

Dependency status of a secondary dependant

5.1 A secondary dependant shall be the father, mother, brother or sister of whose financial support the staff member provides one half or more, and in any case, at least twice the amount of the dependency allowance. Pension income, such as retirement and disability benefits, and income resulting solely from investments shall not be included in the computation of the overall financial support of a staff member's secondary dependant. If the secondary dependant is a brother or sister, he or she must also fulfil the age and school attendance requirements for a dependent child set out in section 3.1, unless the brother or sister is recognized as having a disability in accordance with section 4.1.

Secondary dependant benefit

5.2 A secondary dependency allowance may be paid to eligible staff members for a secondary dependant subject to the following conditions:

(a) The allowance is paid on account of only one secondary dependant;

(b) The staff member does not receive a dependency benefit for a dependent spouse;

(c) Staff members in the General Service and related categories shall receive a dependency allowance with respect to a secondary dependant when local conditions and/or the practices of comparator employers call for the establishment of such an allowance. The amount of the allowance, if any, shall be provided in the local salary scale applicable at the duty station.

Section 6
Final provisions

6.1 The present administrative instruction shall enter into force on the date of its issuance.

6.2 Administrative instruction ST/AI/2000/8 and Amends. 1 and 2 are hereby abolished.

(*Signed*) Angela **Kane**
Under-Secretary-General for Management